

April 28, 2008

Commission's Secretary  
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**REGARDING DOCKETS: No. 06-210 AND No.07-278**

**Petition to Expedite FCC Decisions**

Dear Ms. Shelter:

On January 18, 2008 Petitioners moved to have the Commission issue an Order that it would issue declaratory rulings in Docket Nos. 06-210 and 07-278.

Petitioners request that the Commission take expedited action to issue these declaratory rulings. These matters have been before the Commission since July 1996 and is now in its 13th year in large part due to 7 years waiting for the FCC's first decision, which was not rendered until October 2003 and the FCC's failure to **fully**<sup>1</sup> understand section 2.1.8 (due to section 2.1.8 not being explicit). The last public comments were filed in these dockets in early February and still there has been no action by the Commission to put these dockets on circulation:

[http://www.fcc.gov/fcc-bin/circ\\_items.cgi](http://www.fcc.gov/fcc-bin/circ_items.cgi)

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<sup>1</sup> The Commission's October 2003 Decision used section 2.1.8 only to correctly determine that S&T obligations do not transfer on a "traffic only" transfer but did not recognize that 2.1.8 also allowed for the movement of "traffic only" to transfer under section 2.1.8.. Therefore the FCC got only part of 2.1.8 correct—the part that must be now answered by the FCC.

One ruling required is to detail why the CSTPII/RVPP revenue commitment and concomitant shortfall and termination obligations do not transfer on a "traffic only" transfer.

This "traffic only" transfer issue is made even easier to quickly decide, due to the 15 day statute of limitations provision needing to be applied within tariff section 2.1.8 C and the long standing rule that tariffs need to be explicit be applied..

AT&T itself has not opposed Petitioners position that AT&T's own Transfer of Service (TSA) form that mimics section 2.1.8 explicitly states that the obligations to be transferred are only on what is **SPECIFIED ABOVE—not on the service not transferred**. What of course is **SPECIFIED ABOVE** are the accounts designated for transfer. AT&T's own January 1995 TSA interpretation is consistent with Petitioners' and the FCC's previous interpretation of section 2.1.8, not AT&T's post DC Circuit interpretation that obligations of the non-transferred plan must also be transferred. As per 2.1.8B, "all the obligations" are only on the service transferred which makes the customer a "former" customer as to the service transferred--- at the time of transfer.

Given the fact that AT&T's former 2.1.8 interpretation on the allocation of obligations is the same as Petitioners and the FCC's 2003 decision, this further underscores that section 2.1.8 was not explicit and thus by law must be decided in Petitioners' favor.

Petitioners have provided multiple comments of AT&T's own counsel stating that 2.1.8 needed to be clarified. Obviously, 2.1.8 was not explicit. It should not take over 2 ½ months to decide that 2.1.8 was not explicit and rule in Petitioners favor.

Additionally the 15 day statute of limitation at 2.1.8 para C makes this a fast and easy case to decide. The February 6<sup>th</sup> 1995 letter evidenced from AT&T counsel Frederick Whitmer is obviously the first correspondence regarding the "traffic only"

transfer and it was just a warning—not a denial. Even if there was ambiguity in the tariff regarding what the 15 days meant, the FCC is well aware that tariff ambiguity by law, must be construed against the maker of the tariff (AT&T). The FCC must immediately rule that the 15-day provision which AT&T conceded to Judge Politan that AT&T missed ends this case in Petitioners favor.

Finally, the decisions regarding the unlawful infliction of shortfall and termination charges against the CSTPII plans in June 1996 have not been challenged by AT&T, as CCI's October 10, 2007 FCC filing makes it explicit that AT&T violated its tariff in multiple ways.

AT&T's attorneys have advised Petitioners that if they did not take AT&T's paltry settlement offer AT&T will make sure that it will be "several years" before a final decision. This is an admission that AT&T's filings are made to interpose delay and for no other purpose, a direct violation of FCC rules. Yet, despite AT&T's obvious rule violation the Commission continues to fail to act and thereby allow AT&T to use the Commission's processes to delay a decision, making the Commission a party to a continued violation of its own rules.

Petitioners counsel has advised Petitioners that its "Petition to Expedite" will fall on deaf ears and that Petitioners should instead file a writ of mandamus to the DC Circuit ordering the FCC to allocate the resources to quickly decide all Petitioners Declaratory ruling requests. Petitioners have decided to first go this route in hopes that its plea to the FCC will quickly end the 13 years of injustice caused by AT&T.

Respectfully Submitted,  
One Stop Financial, Inc  
Winback & Conserve Program, Inc.  
Group Discounts, Inc.  
800 Discounts, Inc  
&  
Tips Marketing Services, Corp.

/s/ Al Inga

Al Inga President